

regard and their invention. Specifically, the Examiner objects to the recitation of the "Stainless Steel Coefficient of Friction" as unclear. Applicants believe this rejection is rendered moot in light of the accompanying claim amendments. Applicants have amended the claim to recite the more generic static coefficient of friction, a term recognized in the art and more fully recited in the specification. The method recited in Example 11 is but one way to obtain a static coefficient of friction, along with the other methods elsewhere described in the specification (see, e.g., pages 24-25).

***Claim Rejections With Respect to the Cejka Reference***

The Examiner rejects claims 1-8, 20-22 and 24 under 35 U.S.C. § 102(e) as anticipated by the disclosure of U.S. Pat. No. 6,106,922 to Cejka et al. The Examiner argues the Cejka reference discloses all salient structural features of the claims and, since it also discloses the incorporation of elastomeric materials into its disclosed constructions, it inherently discloses the claimed frictional properties of the instant invention.

Applicants respectfully traverse. The Cejka reference, titled "Coextruded Mechanical Fastener Constructions" discloses several stem web constructions useful primarily for mechanical fastening (see, e.g., col. 3, lines 25-42). The reference discloses myriad classes of materials useful to make individual layers of the stem web constructions, including nonelastomeric polymers, elastomers, and adhesive materials (see, e.g., col. 3, line 58 to col. 4, line 5). The reference does not, however, disclose a medical drape construction having the structural, component and performance features of the rejected claims. The Examiner is incorrect to assert that a general teaching of the use of elastomers, as part of a lengthy list of suitable materials, anticipates the present claims. Such an argument belies a close reading of the Cejka reference. Of the many examples disclosed in the Cejka reference, only three, Examples 7-9, include an elastomeric material on any surface portion of a stem web construction, and each fail to anticipate the presently claimed constructions. All three examples employ the same elastomer, Engage™ EG8200, which is an ethylene/poly- $\alpha$ -olefin copolymer not falling within the class of elastomers set forth in Claim 1. Example 8 places the elastomer ("Component A") in the valleys of the stems (see

FIG. 1), and describes it as imparting "flexibility" to the construction.<sup>1</sup> Example 9 places the elastomer (again "Component A") along the entire surface of the stem web construction (see FIG. 3), and describes it as imparting a "smooth feel" to the construction. While Example 7 places the elastomer in the core of the construction (again see FIG. 1), and characterizes it as imparting "higher" friction to the construction, it will not provide the claimed coefficient of friction. In toto, the Cejka reference fails to teach the incorporation of a particular class of elastomer materials on the surface of a stem web construction for a medical drape to impart the claimed high friction properties.

***Claim Rejections With Respect to the Crawley Reference***

The Examiner rejects claims 1-7, 9-10, 19-20, 22 and 24 under 35 U.S.C. § 102(e) as anticipated by the disclosure of U.S. Pat. No. 5,948,707 (Crawley et al.). The Examiner asserts that the Crawley reference discloses, either expressly or inherently, all of the salient features of the rejected claims. The Examiner also rejects claims 11-18 under 35 U.S.C. § 103(a) as rendered obvious over the disclosure of the Crawley reference in view of U.S. Patent No. 4,204,532 (Lind), relying on the Lind reference for specific disclosure of an intermediate fenestration material, and the Examiner rejects claim 23 under 35 U.S.C. § 103(a) as obvious in light of the Crawley reference in combination with U.S. Patent No. 3,972,328 (Chen), relying on Chen for disclosure of the addition of an antioxidant material.

Applicants believe these various grounds of rejection are rendered moot in view of the accompanying claim amendments. Specifically, the Crawley reference fails, among other things, to teach or suggest the claimed aspect ratios of the stemmed configuration. The Crawley reference discloses only "domed" or "dot" patterns (See, e.g., col. 4, lines 9-16). These hemispherical patterns will yield, at most, an aspect ratio of 1.0, far below the claimed "stem" constructions with aspect ratios greater than or equal to about 1.25. The cited secondary Lind and Chen references do not cure

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<sup>1</sup> NOTE – Applicants believe there is a typographical error in the description of Example 8 of the Cejka reference at col. 10, lines 20-23. Applicants believe the last sentence transposes the description of Components A and B, and should read: "The stem tips had the lower friction of the stiffer

this defect in the Crawley reference and are not relied upon for such. Applicants therefore respectfully assert that the claims are patentable under both 35 U.S.C. § 102 & 103 over the cited references.

In view of the arguments and amendments offered herein, Applicants respectfully submit that the Examiner's grounds for objection and rejection are overcome and respectfully solicit reconsideration and withdrawal of the rejections and allowance of the application.

Respectfully submitted,

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thermoplastic Component B combined with the more flexible support of the cylinder formation of the elastomeric Component A."

**Version with markings to show amendments made:**

1 (amended). A medical drape comprising:

a backing layer having a first surface and a second surface, where projecting from the first surface of the backing layer is an array of stems;

wherein at least a portion of the exterior surface of the stems comprises an elastomeric material selected from the group consisting of anionic triblock copolymers; thermoplastic elastomers based on halogen-containing polyolefins; thermoplastic elastomers based on dynamically vulcanized elastomer-thermoplastic blends; thermoplastic polyether ester and polyester based elastomers; thermoplastic elastomers based on polyamides or polyimides; ionomeric thermoplastic elastomers; hydrogenated block copolymers in thermoplastic elastomer interpenetrating polymer networks; thermoplastic elastomers made by carbocationic polymerization; polymer blends containing styrene/hydrogenated butadiene block copolymers; polyacrylate-based thermoplastic elastomers; natural rubbers; butyl rubbers; EPDM rubbers; silicone rubbers; polyisoprenes; polybutadienes; polyurethanes; ethylene/propylene/diene terpolymer elastomers; chloroprene rubbers; random and block styrene-butadiene copolymers; random and block styrene-isoprene copolymers; acrylonitrile-butadiene copolymers; and mixtures and copolymers thereof;

wherein the aspect ratio of the stems on the first surface of the backing layer is at least about 1.25; and

wherein the drape has a static coefficient of friction when dry along at least a portion of the first surface is at least 0.6.

5 (amended). The medical drape of claim 1 wherein the [Stainless Steel Static Coefficient of Friction] static coefficient of friction when wet is within 20 percent of the static coefficient of friction [Stainless Steel Static Coefficient of Friction] when dry.

6 (amended). The medical drape of claim 1 wherein the [Stainless Steel Static Coefficient of Friction] static coefficient of friction when wet is within 80 percent of the static coefficient of friction [Stainless Steel Static Coefficient of Friction] when dry.

7 (amended). The medical drape of claim 1 wherein the [Stainless Steel Static Coefficient of Friction] static coefficient of friction when wet is within 90 percent of the static coefficient of friction [Stainless Steel Static Coefficient of Friction] when dry.

24 (amended). A medical drape comprising:

a backing layer having a first surface and a second surface, where projecting from the first surface of the backing layer is an array of stems;

wherein the aspect ratio of the stems on the first surface of the backing layer is at least about 1.25; and

wherein the drape has a [Stainless Steel Static Coefficient of Friction] static coefficient of friction when dry along at least a portion of the first surface is at least 0.6.